UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
5 POST OFFICE SQUARE – SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

MEMORANDUM

DATE: August 26, 2024

SUBJ: Request for a Removal Action at the Former Rockbestos Site, Clinton, Worcester County, Massachusetts - **Action Memorandum**

FROM: Sherry Banks, On-Scene Coordinator
Emergency Response and Removal Section II

THRU: William Lovely, Manager
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TO: Bryan Olson, Director
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I. PURPOSE

The purpose of this Action Memorandum is to request and document approval of the proposed removal action at the Former Rockbestos Site (the Site), which is located at 172 Sterling Street in Clinton, Worcester County, Massachusetts. Hazardous substances present in a building debris pile known as Pile 6 at the Site, if not addressed by implementing the response actions selected in this Action Memorandum, will continue to pose a threat to human health and the environment. There are no nationally significant or precedent-setting issues associated with this Site, and there has been no use of the On-Scene Coordinator's (OSC's) $200,000 warrant authority.

II. SITE CONDITIONS AND BACKGROUND

CERCLIS ID#: MAN000153831
SITE ID#: 01TC
CATEGORY: Time-Critical

A. Site Description

1. Removal site evaluation

On July 21, 2023, the Massachusetts Department of Environmental Protection (MassDEP) referred the Site to EPA for evaluation of several piles of debris suspected of being comingled with asbestos containing materials (ACM).

The Site was historically occupied by manufacturers of wire and cable from approximately 1936 through the early 2000s. Prior to 1936, the Site as used to manufacture textiles. Rockbestos-Surprenant Cable Corporation operated a mill on the property until 2003-04, when it moved operations to Connecticut. In October 2006, the Site was sold to The Business Reform Foundation (later referred to as SeedAmerica Foundation). SeedAmerica Foundation never operated a business at the Site but contracted with RSG Contracting Corporation (RSG) to demolish Site structures under a MassDEP permit in 2008.

Prior to building demolition, RSG conducted an asbestos survey and determined that the roofing materials from the abandoned mill buildings were comprised of ACM. During demolition, the roofing materials were collected, transported, and disposed of off-site; the remaining building debris was left in seven piles on-site for later disposal. However, SeedAmerica Foundation never removed the piles because the company became insolvent and stopped paying taxes on the property. The IRS revoked SeedAmerica's 501(c)(3) status in 2010.

Following SeedAmerica Foundation's insolvency in 2010, 172 Sterling Street, LLC, holder of the mortgage on the Site foreclosed and took control of the property for eight months in 2010. The Snow Farm, LLC acquired the Site on 15 April 2011 and resold it to Yu Hongli on November 22, 2011.Yu Hongli failed to pay taxes on the Site, leading the town to file a tax taking instrument against him in 2012. The town foreclosed on the Site on August 14, 2018. After foreclosure, the town contracted an environmental firm to conduct an American Society for Testing and Materials Phase I/Phase II assessment of the Site. According to the town and available sections of the report, no ACM was found at that time.

In 2021, the town hired an environmental contractor to perform another asbestos survey prior to planned disposal of the seven debris piles. The contractor identified ACM in one of the seven piles (identified as "Pile 6") with concentrations ranging between 2 and 25% chrysotile asbestos. The six non-ACM piles were disposed of, but the town did not have resources to properly process Pile 6.

A following site inspection with the Town of Clinton and MassDEP in 2021 identified a smaller, approximately 10-cubic-yard pile of ACM that had been dumped, by an unknown party, onto the back side of Pile 6 and some additional ACM-containing debris in a separate area nearby. In

2023, MassDEP worked with an asbestos contractor and the town to properly remove and dispose of the two illegally dumped smaller piles, which were visually distinct from the remaining debris in Pile 6. It appears that Pile 6 has been present for many years with medium-sized trees growing out of it, making it difficult to cover. MassDEP removed small trees growing out of Pile 6 and wrapped the pile in plastic sheeting to prevent migration of ACM.

EPA conducted two sampling events as part of its Preliminary Assessment and Site Investigation (PA/SI) in February and May 2024. Analytical results of Pile 6 samples indicate concentrations ranging from trace to 3% chrysotile asbestos.

2. Physical location

The Former Rockbestos Site is located at 172 Sterling Street, Clinton, Worcester County, Massachusetts (MA) and is identified as Block 1416 on Tax Map 102 by the Town of Clinton Assessors Office. The Site is located at 42.423423 north latitude and -71.697306 west longitude and is bordered to the north by Sterling Street and commercial properties, to the east by Greely Street and commercial properties, to the south by wooded areas and Rigby Street, and to the west by wooded areas and commercial properties. Approximately 8,293 people live within 1 mile radius of the property.

3. Site characteristics

The Site is owned by the Town of Clinton, which foreclosed on the property following a tax taking procedure. The Site is approximately 8.4 acres and is located in a mixed commercial/industrial and residential area approximately 0.3 miles from downtown Clinton. The Site consists of 9 parcels and is a vacant lot that is generally flat that contains the remnant foundations from previously demolished industrial buildings.

Based on information in EPA's EJSCREEN environmental justice screening tool, zero out of 13 Environmental Justice Indexes for the area within a one-mile radius of the site exceed the 80th percentile on a national basis. Please see the attached EJSCREEN standard report for more information. MassDEP has identified the abutting neighborhood as an Environmental Justice area.

Based on information in the Climate Mapping tool for Resilience and Adaptation, the following Climate Hazards exceed a National Risk Index Rating of Relatively Moderate in Worcester County: drought and flooding.

4. Release or threatened release into the environment of a hazardous substance, or pollutant or contaminant

EPA sampling analyses determined that asbestos, a hazardous substance as defined by Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §9601(14), and 40 C.F.R. § 302.4, is present in Pile 6 at concentrations ranging from trace to 3%. Pile 6 is comprised of building materials from demolition of site structures. Prior analytical results of Pile 6 contained concentrations ranging from 2 to 25%.

Rigby Brook runs underneath the Site in a culvert with several access points across the property. While EPA was performing the PA/SI, one of the underground river access points was missing its metal cover. This access point is located several feet from Pile 6, which may lead to transportation of ACM downstream during weather events towards nearby residences, wetlands, or surface water bodies. Despite fencing around the Site and Pile 6 put in place by the town, there is evidence of trespassing. To temporarily prevent ACM migration, MassDEP covered Pile 6 with poly-sheeting, tires, and 2x4s to hold it in place.

The August 1, 2024, Closure Memorandum concludes that a time-critical removal action is warranted.

5. NPL status

The Site is not currently on the National Priorities List and has not received a Hazardous Ranking System rating.

6. Maps, pictures and other graphic representations – Pile 6

Pile 6 – Photo taken by MassDEP 2023

B. Other Actions to Date

1. Previous actions

Previous actions include removal of two small piles of ACM debris by MassDEP and 6 non-ACM containing piles by the town. Fences around the Site and Pile 6 were installed by the town to prevent trespass, as described above.

2. Current actions

The town was approved for EPA R1 Brownfields funding in September 2023 in the amount of $250,000 to support redevelopment of the Site after EPA's removal program is finished.

C. State and Local Authorities' Roles

1. State and local actions to date

On April 7, 2000, a Class B-2 RAO-Partial (Permanent Solution) with a Notice of Activity and Use Limitation ("AUL") was submitted to DEP which covered most of the Site The existing AUL, recorded at the Worcester Registry of Deeds at Book 22433 and Page 254, applies to the entire site with the exception of Parcel 5 on the northeast portion of the property. See above for information on state and local actions.

2. Potential for continued State/local response

As expressed during conversations with the town and MassDEP during the EPA Site investigations, both lack the resources to undertake the Removal Action proposed in this Action Memorandum.

III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

The presence of asbestos in Pile 6, and current conditions at the Site meet the criteria for a removal action, as set forth in 40 C.F.R. §300.415(b)(1), as "there is a threat to public health or welfare of the United States or the environment," and consideration of the factors set forth in 40 C.F.R. §300.415(b)(2) as described below.

Asbestos is a hazardous substance as defined by Section 101(14) of CERCLA, 42 U.S.C. §9601(14) and 40 C.F.R. § 302.4:

Asbestos[1] – Exposure to asbestos occurs when the ACM is disturbed or damaged in some way to release particles and fibers into the air. Asbestos exposure can cause lung cancer; mesothelioma, a rare form of cancer that is found in the thin lining of the lung, chest and the abdomen and heart; and asbestosis, a serious progressive, long-term, non-cancer disease of the lungs.

For more information on adverse health effects related to asbestos, please refer to the Agency for Toxic Substances and Disease Registry (ATSDR), U.S. Department of Health and Human

[1]Agency for Toxic Substances and Disease Registry (ATSDR), *Toxicological Profile for Asbestos, September 2001*

Services, Public Health Service. Toxicity fact sheets for the contaminants can be reviewed by using the following URL links: Asbestos: https://www.atsdr.cdc.gov/toxprofiles/tp61.pdf

Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants; [§300.415(b)(2)(i)];

The presence of asbestos in Pile 6 between trace to 25% is a threat to nearby human populations through dust exposure and meet the action level of 1% as outlined in the April 10, 2004, OSWER 9345.4-05 Memo. As the soil dries and becomes airborne, the dust will travel offsite to nearby populations and contaminate a larger area. The existing pile contains building materials confirmed to contain asbestos. The pile is not fully covered by poly-sheeting. Weather conditions may cause ACM to release into the environment or migrate offsite to adjacent properties, creating an inhalation threat to the surrounding community.

Actual or potential contamination of drinking water supplies or sensitive ecosystems [§300.415(b)(2)(ii)];

Pile 6 is directly adjacent to Rigby Brook and is in jeopardy of being released during weather events directly into the river and properties downstream. Asbestos in Pile 6 can migrate through the air or surface water runoff into Rigby Brook.

High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface, that may migrate [§300.415(b)(2)(iv)];

Asbestos present in Pile 6, if not addressed, may migrate through airborne and/or soil transport towards nearby residential and commercial properties and Rigby Brook. Asbestos in the pile is mostly covered by the plastic sheeting but remains susceptible to becoming airborne or carried by water offsite.

Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released [§300.415(b)(2)(v)];

Pile 6 is mostly covered with a poly-sheeting that can disintegrate or rip during weather conditions creating a potential threat of asbestos migration and exposure at nearby properties.

The availability of other appropriate Federal or State response mechanisms to respond to the release [§300.415(b)(2)(vii)];

MassDEP has indicated that it currently does not have the resources necessary to address the contamination at the Site.

IV. ENDANGERMENT DETERMINATION

Actual or threatened releases of hazardous substances from this Site, if not addressed by implementing the response action selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, welfare, or the environment. In accordance with OSWER Directive 9360.0-34 (August 19, 1993), an endangerment determination is made based on "appropriate Superfund policy or guidance, or on collaboration with a trained risk assessor," which is outlined and discussed in Section III above. "Appropriate sources include, but are not limited to, relevant action level or clean-up standards, Agency for Toxic Substances and Disease Registry documents or personnel, or staff toxicologists." In this case, EPA relied on the EPA's National Emission Standards for Hazardous Air Pollutants (NESHAP)[2] and EPA's published Removal Management Levels (RMLs), for determining risk at the Site.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

1. Proposed action description

The removal action will protect public health, welfare, and the environment from the threats identified in Section III by addressing ACM in Pile 6 staged at the Site. Specific removal activities will include the following:

- Conducting a Site walk with EPA contractors to determine appropriate equipment, personnel and utilities required;
- Developing and implementing a site health and safety plan;
- Preparing an air monitoring plan to ensure the safety of workers and the public and conducting air monitoring, as necessary;
- Developing site-specific work plans;
- Mobilizing personnel and equipment to the Site;
- Delineating work zones and decontamination areas, as necessary;
- Installing measures to control dust and to prevent runoff of decontamination water from impacting nearby residential and commercial properties;
- Installing measures to prevent access by the public to Site contamination, as necessary;
- Clearing debris and vegetation as necessary to allow access to contamination and to clear areas for staging and decontamination of material;

[2] U.S. Environmental Protection Agency. *https://www.epa.gov/asbestos/overview-asbestos-national-emission-standards-hazardous-air-pollutants-neshap*

•Conducting additional sampling as necessary to determine the presence of contamination in air, soil and potential ACM;
•Removing and disposing of Pile 6;
•Removing and disposing of surface soils in contact with Pile 6 that may contain hazardous substances, as necessary;
•Assessing, characterizing, and addressing any additional hazardous substances and materials discovered during this action;
•Disposing of materials in accordance with 40 C.F.R. Part 300.440 Procedures for Planning and Implementing Off-Site Response Actions;
•Backfilling excavated areas with clean fill, as necessary;
•Repairing response-related damage, as necessary;
•Demobilizing personnel and equipment from the Site; and
•Referring Site to MassDEP for any long-term measures that may be required to address remaining risks, including post-removal site controls.

2. Community relations

EPA will remain involved with the local community during the removal action through press releases, fact sheets, and public meetings, as necessary. The OSC will receive assistance from the EPA Community Involvement Coordinator to assist with all public relations activities. EPA will work closely with the MassDEP, the Town of Clinton, local businesses, and the community.

3. Contribution to remedial performance

The cleanup proposed in this Action Memorandum is designed to mitigate the threats to human health and the environment posed by the Site. The actions taken at the Site would be consistent with and will not impede any future responses.

4. Description of innovative technologies and sustainable approaches

In accordance with the December 23, 2013, Memorandum, updated August 2, 2016, issued by Office of Land and Emergency Management as well as the Region 1 Clean and Greener Policy for Contaminated Sites, greener cleanup practices should be considered for all cleanup projects. Greener cleanup is the practice of incorporating practices that minimize the environmental impacts of cleanup actions and maximize environmental and human benefit. Alternative technologies and sustainable approaches will be considered and incorporated, as appropriate, throughout the implementation of the removal action.

5. Applicable or relevant and appropriate requirements (ARARs)

Pursuant to 40 C.F.R. 300.415(j), removal actions shall, to the extent practicable, considering the exigencies of the situation, attain ARARs. EPA has been working in coordination with MassDEP to determine the applicable state ARARs for the Site. Current ARARs identified, but not limited to, are listed below:

Federal ARARs:
Clean Water Act, National Pollutant Discharge Elimination System (NPDES), 40 C.F.R. Parts 122 – 125; 122.26: Establishes the specifications for discharging pollutants from any point source into the waters of the U.S. Also, includes storm water standards for construction sites over one acre. Removal activities will be managed to prevent stormwater discharge from the Site. To the extent water generated from the removal action needs to be discharged to a water of the U.S., applicable discharge standards will be met.

Clean Water Act, 40 C.F.R. Sections 122.26(c)(ii)(C) and 122.44(k): NPDES regulations for storm water control and management.

Clean Water Act Federal Water Quality Criteria, Section 304(a), 40 C.F.R. 131.11: National Recommended Water Quality Criteria for chemicals for both the protection of human health and the protection of aquatic life; to be used as water quality monitoring standards for any work in or adjacent to wetlands or water bodies.

Clean Air Act, 40 C.F.R. Part 61, 42 U.S.C. Section 112(b)(1): standards for controlling dust. The regulations establish emissions standards for 187 hazardous air pollutants. Standards set for dust and release sources. If the removal of contaminated soils generate regulated air pollutants, then measures will be implemented to meet these standards.

Clean Air Act, National Emission Standards for Hazardous Air Pollutants (NESHAPS: 40 C.F.R. § 61.151): Standards for Inactive waste disposal sites that apply to asbestos mills and manufacturing and fabricating. NESHAPS standards for preventing air releases from inactive asbestos disposal sites, including cover standards, dust suppression, and land use controls.

Toxic Substances Control Act (Transport and Disposal of Asbestos Waste), 40 C.F.R. Subpart E, Appendix D: Provides standards for transport and disposal of materials that contain asbestos. Requires proper wetting and containerization. Asbestos will be managed in compliance with these standards.

To Be Considered: Framework for Investigating Asbestos-Contaminated Superfund Sites, OSWER Directive #9200.0-68 (Sept. 2008): Guidance on investigating and characterizing

the potential human exposure from asbestos contamination in outdoor soil at Superfund sites.

Massachusetts ARARs:
40 C.F.R. Parts 260-262 and 264 Resource Conservation and Recovery Act, Subtitle C-Hazardous Waste Identification and Listing Regulations; Generator and Handler Requirements, Closure and Post-Closure - Massachusetts has been delegated the authority to administer these RCRA standards through its state hazardous waste management regulations. Waste generated will be tested to determine whether it exceeds hazardous waste thresholds and, if so, the hazardous waste will be managed on-site and until such time as it is shipped to an EPA-approved off-site disposal location.

310 CMR 6.00: Massachusetts Ambient Air Quality Standards sets primary and secondary standards for emissions of certain contaminants including particulate matter. If removal activities include any excavation of soil the removal will be implemented in accordance with these rules.

310 CMR 7.00: Massachusetts Air Pollution Control Regulations: stipulates that during construction and/or demolition activities, air emissions (i.e., dust, particulates, etc.) must be controlled to prevent air pollution. Construction activities will be managed to meet standards for visible emission (310 CMR Section 7.06): dust, odor, construction, and demolition (310 CMR Section 7.09). During the removal action, appropriate measures will be taken to comply with these regulations.

The OSC will coordinate with state officials to identify additional state ARARs, if any. In accordance with the National Contingency Plan and EPA Guidance Documents, the OSC will determine the applicability and practicability of complying with each ARAR that is identified in a timely manner.

6. Project schedule

The duration of the removal action shall be approximately three months from the day of EPA ERRS contractor mobilization.

B. Estimated Costs

COST CATEGORY	CEILING
REGIONAL REMOVAL ALLOWANCE COSTS:	
ERRS Contractor	$400,000.00
Interagency Agreement	$0,000.00
OTHER EXTRAMURAL COSTS NOT FUNDED FROM THE REGIONAL ALLOWANCE:	
START Contractor	$50,000.00
Extramural Subtotal	$0.00
Extramural Contingency	$50,000.00
TOTAL, REMOVAL ACTION CEILING	**$500,000.00**

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Delayed action will increase public health risks from ACM exposure. The plastic sheeting wrapped around Pile 6 has a limited lifespan, and when it deteriorates or becomes damaged, will expose ACM to the weather and allow migration offsite.

VII. OUTSTANDING POLICY ISSUES

There are no precedent-setting policy issues associated with this Site.

VIII. ENFORCEMENT ... For Internal Distribution Only

See attached Confidential Enforcement Strategy.

The total EPA costs for this removal action that will be eligible for cost recovery are estimated to be $500,000.00 (extramural costs) + $196,650.00 (EPA intramural costs) = $500,000.00 X 1.3933 (regional indirect rate) = $696,650.00 [3].

[3] Direct Costs include direct extramural costs $500,000.00 and direct intramural costs $196,650.00. Indirect costs are calculated by using regional indirect rate in effect at time cost estimate is prepared and is expressed as a percentage of the 39.33% (effective January 4, 2024) x $500,000.00, consistent with EPA's full cost accounting methodology. These estimates do not include pre-judgment interest, do not consider other enforcement costs, including Department of Justice costs, and may be adjusted during a removal action. The estimates are for illustrative purposes only and their use is not intended to create any rights for responsible parties. Neither the lack of a total cost estimate nor deviation of actual total costs from this estimate will affect the United States' right to cost recovery.

IX. RECOMMENDATION

This decision document represents the selected removal action for the Former Rockbestos Site in Clinton, Massachusetts, developed in accordance with CERCLA, as amended, and is not inconsistent with the National Contingency Plan. The basis for this decision will be documented in the administrative record to be established for the Site.

Conditions at the Site meet the National Contingency Plan 40 C.F.R. Section 300.415 (b)(2) criteria for a removal action due to the following:

Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants [§300.415(b)(2)(i)];

Actual or potential contamination of drinking water supplies or sensitive ecosystems [§300.415(b)(2)(ii)];

High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface, that may migrate [§300.415(b)(2)(iv)];

Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released [§300.415(b)(2)(v)];

Threat of fire or explosion [§300.415(b)(2)(vi)];

The availability of other appropriate Federal or State response mechanisms to respond to the release [§300.415(b)(2)(vii)];

Other situations or factors that may pose threats to public health or welfare of the United States or the environment [§300.415(b)(2)(viii)].

I recommend that you approve the proposed removal action. The total extramural removal action project ceiling if approved will be $500,000.00.

APPROVAL:_____ DATE:_____